

8/16/05 JFW

Dear Sirs,

After months of trying to contact Mr. Burkhart, I finally succeeded with the certified letter I sent to him on 8/6/05.

Today I received a certified letter from Mr. Burkhart dated 8/11/05.

I am forwarding a copy of his letter to you, as well as a letter of response from me to him.

Thank you for your attention & help in this matter.

Sincerely

Thomas W. McNutt
Thomas W. McNutt
P.O. Box 153
Rexford, Mt.

59930

Ph# 406-297-7072

Patent Application #
10/791,020
Grouser Assembly





Burkhart & Burkhart

Patent Attorneys

Anne K. Burkhart
Patrick N. Burkhart

Mr. Thomas W. McNutt
P.O. Box 153
Rexford, MT 59930

11 August 2005

Dear Tom:

I have received your undated letter sent 6 August 2005. Since your call to my home just before then, I have confirmed the current status of your pending patent application. It is apparent that the Patent Office misplaced our response to the most recent office action. I have not received a written notice of abandonment in this case, and have thus just learned of this status. Lost correspondence is, unfortunately, a common occurrence in the Patent Office at this time. The process for correcting the situation is to file a petition for withdrawal of the abandonment, along with copies of the response as filed. Unless you instruct me to the contrary, I will proceed to file such a petition in your case.

I have been traveling fairly constantly since late May, and the office phone was out of service briefly for part of the first week of August. I have no messages from you prior to that or since then. I have maintained uninterrupted e-mail access, and have not received any communications from you via that medium. Your letter to which I am now replying is the first that I have received from you in some months. Finally, I have sent copies of everything I have sent to and received from the Patent Office. I will prepare a copy of your file and forward it to you.

I do not need to remind you of the frequent instances where I have advised and assisted you without billing you for my time. I spent many hours talking with you and Diane Smith during your difficulties with your former business associates through your attempts to market your invention. I spent countless hours dealing with difficulties caused by your former associates making unfounded claims with the Patent Office. To have my personal and professional consideration for you repaid by your verbally abusing my wife over the phone and threatening me in writing is truly disappointing to me. After I have filed the above-referenced petition, it is my intention to withdraw from any further representation on your behalf.

Yours very truly,



Patrick Burkhart

8/16/05

1 Pg



Dear Mr. Burkhart,

This letter is in response to your letter dated 8/11/05, which I received today.

Concerning paragraph one, I forgot to date the letter I sent to you. I wrote you the letter at 2AM on 8/6/05, then mailed it to you the same day. (See Post Mark on Certified Envelope)

As far as you confirming the current status of our patent application after the fact, you should have been staying on top of this all the way. You were paid to do a job, where my son and I put our total trust and faith in you, to follow through with your training and expertise in the patent process. It seems to me that, if the client has to inform his patent attorney as to the status of his application, as I did with you, the Patent attorney is not doing the job he was paid to do.

The lost mail story is hard to swallow. The Patent Office is losing your mail now, and the mail that the Patent Office sends you is getting lost also. ???

As far as your filing a petition, yes I think you should, as you have indicated in your letter.

Concerning paragraph two, it is none of our business or concern of your traveling.

As far as your phone, the recording my son, wife, and I all heard when calling your office was, this number has been disconnected, not temp. out of service. Information had no number for your office, and your number is no longer in the phone directory. While writing this letter, my wife tried your office number and discovered it has been reconnected ??? We have made numerous calls to you in the past to which you did not respond.

You have been sent countless emails from me as well as my son, and never replied. We have copies of all emails we sent to you, as well as the very few replies we have received from you. As stated in my last letter to you I received one reply from you in March of this year. No replies since.

You have not sent copies of everything as I stated in my previous letter. I do not want copies of my file, I want my originals.

Concerning paragraph three, you have always been paid for your time.

Talking to Diane Smith was between you and her. I did not request you two to discuss anything at any time.

As far as dealing with my former associates, former says it all. I had nothing to do with their actions, even though I think now their claims were probably founded.

As far as you saying I verbally abused your wife over the phone, this is unfounded. I think you must have me mixed up with one of your other clients. I was very polite and courteous when I called your home phone. I politely ask if you were in. She asked me my name. I told her my name, and before I could say anything else, she went on the defensive. I said nothing until she was done venting about calling your home phone, then I politely ask her if she could have you call me. She said you would be back in town Friday, and she would have you call me. I waited by the phone all day Friday waiting on your call. As always & expected, No Call From You.

Last but not least, my letters are not threats, just facts.

I am also truly disappointed that I put all my personnel trust and faith into an unprofessional

It would be a blessing if you would withdraw from any further representation, after you complete the process you started, and were paid to do. Otherwise refund all my moneys.

P.S. Send Mine & Darby's

Computer AutoCad & Drawing
tablet & software, or pay

Sincerely,
Thomas W. McNutt
Thomas W. McNutt